

REFERENCE TITLE: **defensive driving schools**

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2488

Introduced by
Representatives Weiers J: Robson

AN ACT

AMENDING SECTION 28-3393, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007,
CHAPTER 182, SECTION 1; RELATING TO DEFENSIVE DRIVING SCHOOLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 28-3393, Arizona Revised Statutes, as amended by
3 Laws 2007, chapter 182, section 1, is amended to read:

4 28-3393. **Defensive driving school attendance: primary provider:**
5 discrimination prohibited: notice requirements

6 A. Except as provided in subsection C, an eligible individual who
7 elects to attend a defensive driving school shall attend one of the following
8 within the time allowed by the court:

9 1. A defensive driving school that is a primary provider for the court
10 having jurisdiction over the civil or criminal traffic offense.

11 2. If the court does not have a primary provider, any defensive
12 driving school.

13 B. Except as provided in subsection C, a court:

14 1. May select more than one primary provider.

15 2. May select a primary provider for defensive driving schools using
16 more stringent criteria than required for state certification.

17 3. On application of an eligible traffic offender, shall permit the
18 offender to attend another defensive driving school on the showing of
19 reasonable justification by the offender. Reasonable justification includes
20 the fact that the offender resides in another area and that attendance at the
21 court's primary provider school creates a hardship on the offender.

22 C. On the expiration of all contracts that are in existence on July 1,
23 2007 between the court and a defensive driving school provider, an eligible
24 individual who elects to attend a defensive driving school may attend any
25 supreme court certified defensive driving school that complies with the court
26 automation and reporting requirements. For the purposes of this subsection,
27 the renewal of any contract between a court and a defensive driving school
28 after July 1, 2007, shall be considered a new contract.

29 D. A court may adopt requirements for a school to electronically
30 report school completions and to transfer funds, subject to the approval of
31 the defensive driving board.

32 E. A COURT SHALL NOT PROVIDE PREFERENCE TO OR OTHERWISE DISCRIMINATE
33 AGAINST ANY SUPREME COURT CERTIFIED DEFENSIVE DRIVING SCHOOL THAT COMPLIES
34 WITH THE COURT AUTOMATION AND REPORTING REQUIREMENTS.

35 F. IF THE COURT PROVIDES NOTICE TO AN INDIVIDUAL WHO IS ELIGIBLE TO
36 ATTEND DEFENSIVE DRIVING SCHOOL, THE NOTICE SHALL INCLUDE A LIST OF ALL
37 ELIGIBLE SUPREME COURT CERTIFIED DEFENSIVE DRIVING SCHOOLS THAT COMPLY WITH
38 THE COURT'S REPORTING REQUIREMENTS AND SHALL NOT PROMOTE OR FAVOR ANY ONE
39 SCHOOL OVER ANOTHER REGARDLESS OF A SCHOOL'S CONTRACTUAL STATUS WITH THE
40 COURT.

41 Sec. 2. Effective date

42 This act is effective from and after December 31, 2008.